



912234

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

AUG 02 2013

REPLY TO THE ATTENTION OF:

SE-5J

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Cargill, Incorporated  
Greg Page  
Chairman and CEO  
P.O. Box 9300  
Minneapolis, MN 55440

Re: Request for Information Pursuant to Section 104(e) of CERCLA regarding the Gary Development Landfill Site located in Gary, Lake County, Indiana  
**CERCLIS ID No: IND0077005916**

Dear Mr. Page:

This letter seeks the cooperation of Cargill, Incorporated (Cargill), in providing information and documents relating to the Gary Development Company and/or the Gary Development Landfill located at 479 Cline Avenue, in the City of Gary, Lake County, Indiana.

The Gary Development Landfill (GDL) Site in Gary, Lake County, Indiana was listed on the National Priorities List (NPL) on September 16, 2011, under the federal Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9601, *et seq.*, commonly referred to as CERCLA.

The U. S. Environmental Protection Agency is investigating the release, or threat of release, of hazardous substances, pollutants or contaminants at the Site. EPA is seeking information concerning the generation, storage, treatment, transportation, and disposal of hazardous substances that have been, or threaten to be released from the GDL Site.

The GDL Site accepted hazardous substances including volatile organic compounds, semi-volatile organic compounds, heavy metals, and pesticides. EPA understands that Cargill (or a company acquired by Cargill) transported, disposed, or arranged for the disposal of hazardous material at the GDL Site. Accordingly, EPA believes that it may have information relevant to this investigation. Enclosure 1 to this letter provides more detail on the operational history and contamination at the GDL Site. Enclosure 2 is a map of the GDL Site.

EPA makes this request under Section 104(e) (2) CERCLA, which gives EPA the authority to assess the threats to human health and the environment posed by contaminated sites and to clean up those sites. Under CERCLA, EPA has information-gathering authority that allows the Agency to require persons and corporations to furnish information and documents. Enclosure 3 is a summary of the Agency's legal authority under CERCLA.

We encourage Cargill to give this matter its immediate attention. Instructions to guide Cargill in the preparation of the response are provided in Enclosure 4. Definitions of the terms contained in the Information Request are provided in Enclosure 5. The questions to the Information Request are found at Enclosure 6. Cargill is required under law to provide a complete and truthful response to this Information Request and its questions, as well as to provide all requested documents. EPA requests that Cargill respond to this Information Request and provide requested documentation within thirty (30) business days of its receipt of this letter.

Cargill may consider the information that EPA is requesting confidential. Under CERCLA, Cargill may not withhold information on that basis; but Cargill may ask EPA to treat the information as confidential. To request that the Agency treat Cargill's information as confidential, it must follow the procedures outlined in Enclosure 7, including the requirement that Cargill support its claim for confidentiality.

Compliance with this Information Request is mandatory. CERCLA provides that failure to answer the questions fully and truthfully and within the prescribed time frame can result in an enforcement action and penalties. Other statutes provide that the submission of false, fictitious statements, or misrepresentations can result in sanctions.

EPA has the authority to use the information that it requests in an administrative, civil, or criminal action.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. § 3501, *et seq.*

Please mail the response to this Information Request to:

Deena Sheppard, Enforcement Specialist  
U.S. Environmental Protection Agency  
Mail Code SE-5J  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

Please provide a duplicate copy of your response to:

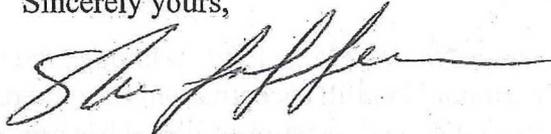
Jeffrey A. Cahn  
Associate Regional Counsel  
U.S. Environmental Protection Agency  
Mail Code C-14J  
77 West Jackson Boulevard

Chicago, Illinois 60604-3590

If Cargill has any legal questions, please call Jeffrey Cahn, Associate Regional Counsel, at (312) 886-6670, e-mail [cahn.jeff@epa.gov](mailto:cahn.jeff@epa.gov). If there are technical questions about this Site, call Karen Cibulskis, Remedial Project Manager at (312) 886-1843, e-mail [cibulskis.karen@epa.gov](mailto:cibulskis.karen@epa.gov). Address all other questions to Deena Sheppard, Enforcement Specialist at (312) 886-7048, e-mail [sheppard.deena@epa.gov](mailto:sheppard.deena@epa.gov).

EPA appreciates Cargill's assistance and look forward to its prompt response to this Information Request.

Sincerely yours,



Sharon Jaffess, Chief  
Enforcement and Compliance Assurance Branch

Enclosures

1. Site Background/History
2. Site Map
3. Legal Authority
4. Instructions
5. Definitions
6. Questions
7. Confidential Business Information

## Enclosure 1

### SITE BACKGROUND/HISTORY

#### Location

The 62-acre GDL Superfund Site is located at 479 North Cline Avenue, Gary, Lake County, Indiana. The Site is bounded to the north and east by E & J Railway tracks, to the south by the Grand Calumet River, and to the west by AMG (a/k/a Vulcan Materials). Wetlands contaminated by the GDL are present on the southeastern portion of the property along the Grand Calumet River bank.

#### Background

The GDL operated from 1975 to 1989. Although the GDL operation reported that the landfill operated as a sanitary landfill accepting only commercial and municipal wastes, in 1996 EPA determined that GDL had operated an illegal hazardous waste disposal facility. The hazardous substances deposited in this landfill included volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), heavy metals, polychlorinated biphenyls (PCBs), asbestos and pesticides.

No proper liners, no engineered cover, and no functioning surface water run-on or run-off management systems in place at the GDL. Visitors and trespassers can access the GDL Site from several perimeter roads on foot. There is no restrictive access to the GDL Site such as fencing and signs indicating the hazards present on the landfill. Currently, the Site is releasing hazardous substances to the adjacent wetland areas and the Grand Calumet River. With no collection system in place, these discharges run from the wetland into the River and could further contribute to contamination in sediments and fish. EPA has determined that the actual and threatened release of hazardous substances from GDL presents an imminent and substantial endangerment; and on September 15, 2011 EPA placed GDL Site on the Superfund National Priorities List (NPL).

#### Permitting and Enforcement Activities

In early 1973, the GDL operator began to explore the development of a sanitary landfill in a sand pit which had collected water. On May 15, 1973 the Indiana Stream Pollution Control Board (SPCB) approved the operator's proposal to dewater the sand pit. On June 19, 1973 SPCB granted the operator a construction permit that allowed preparatory construction work for a sanitary landfill to begin. On August 29, 1974 Indiana conducted its final inspection of GDL, which led to SPCB's granting final approval to the operator to commence sanitary landfill operation. The GDL began accepting solid waste in September 13, 1974. On February 20, 1975 SPCB sent the operator its operating permit.

Inspections conducted by the Indiana State Board of Health (ISBH) in April, May, and August of 1976 revealed that the landfill operator had discharged leachate into the Grand Calumet River without a National Pollution Discharge Elimination System (NPDES) permit. Analysis of leachate samples taken on August 27, 1976 indicated that significant amounts of heavy metals and oils were pumped into the Grand Calumet River.

On May 10, 1979 ISBH issued and filed a Notice of Violation and Proposed Agreed Order with the operator to address hazardous waste and leachate concerns. Other inspections conducted by ISBH noted that fly ash was used as a cover for GDL. As a result of the findings, the operator was found to be noncompliant with its construction and operating permit. A Recommended Order regarding the findings was issued on February 16, 1983.

In 1986, EPA issued an Administrative Complaint and Compliance Order that alleged GDL accepted hazardous waste for disposal at the landfill that had neither achieved interim status under Resource Conservation and Recovery Act (RCRA), nor obtained a RCRA permit. GDL's operations ceased in 1989.

The State conducted an inspection of GDL on February 18, 1992 and noted numerous violations of the Indiana Administrative Code and Federal Land Disposal Restrictions. On January 30, 1995 other landfill violations were noted. Also, an inspection conducted by EPA in 1996 revealed that Landfill material had been pushed into the wooded wetland area adjacent to the Grand Calumet River.

In April 1996, EPA ordered GDL to comply with the RCRA closure procedures, post-closure maintenance and groundwater monitoring requirements. In 1997, GDL signed a Consent Agreement in which it agreed to use substantially all of its remaining assets to pay a penalty and to establish a trust fund of \$40,000 to be used at the GDL Site towards closure costs of the landfill. GDL dissolved in 1998.

In 2001, GDL was given an EPA Not-Under-Control status. During an inspection January 8, 2002 IDEM staff identified several abandoned drums near the facilities portion of GDL and lagoon and not the actual landfill portion of the Site. As a result, EPA conducted a Time-Critical Removal Action and removed numerous containers of various substances (oils, paint, insecticides, antifreeze, and electrical capacitors) from the property.

On April 20, 2005 staff from IDEM conducted a site reassessment at the GDL. A total of nine groundwater samples from the upper and lower portions of the aquifer and ten wetland sediment samples ranging from 0 to 6 inch and 18 to 24 inch intervals were collected from on-site and off-site locations. All samples were analyzed for VOCs, SVOCs, PCBs, pesticides, and metals. Elevated levels of metals, SVOCs, and pesticides were detected in soil and surface water samples taken from the on-site wetland samples. IDEM concluded that contaminants may be discharging into the Grand Calumet River via a groundwater to surface water pathway due to the high permeability of the soil material in the landfill.

On May 5, 2009 IDEM conducted an Expanded Site inspection at the GDL. A total of 20 sediment samples ranging from 0 to 12 inch and 12 to 24 inch intervals were collected in wetland areas adjacent and upstream (background) to the landfill. Ten sediment samples were obtained from the wetland area located on the south side of the landfill. All samples were analyzed for SVOCs, PCBs, pesticides, and metals. Various concentrations of metals, SVOCs, and pesticides were detected at levels greater than three times the background in the adjacent wetland samples. No soil samples at the landfill itself were collected to avoid disturbance of any remnant cap material and concerns regarding methane releases. IDEM also concluded that the wetland area on the south side of the GDL is considered a unique area, relatively small in size, important to maintenance of unique biotic communities.

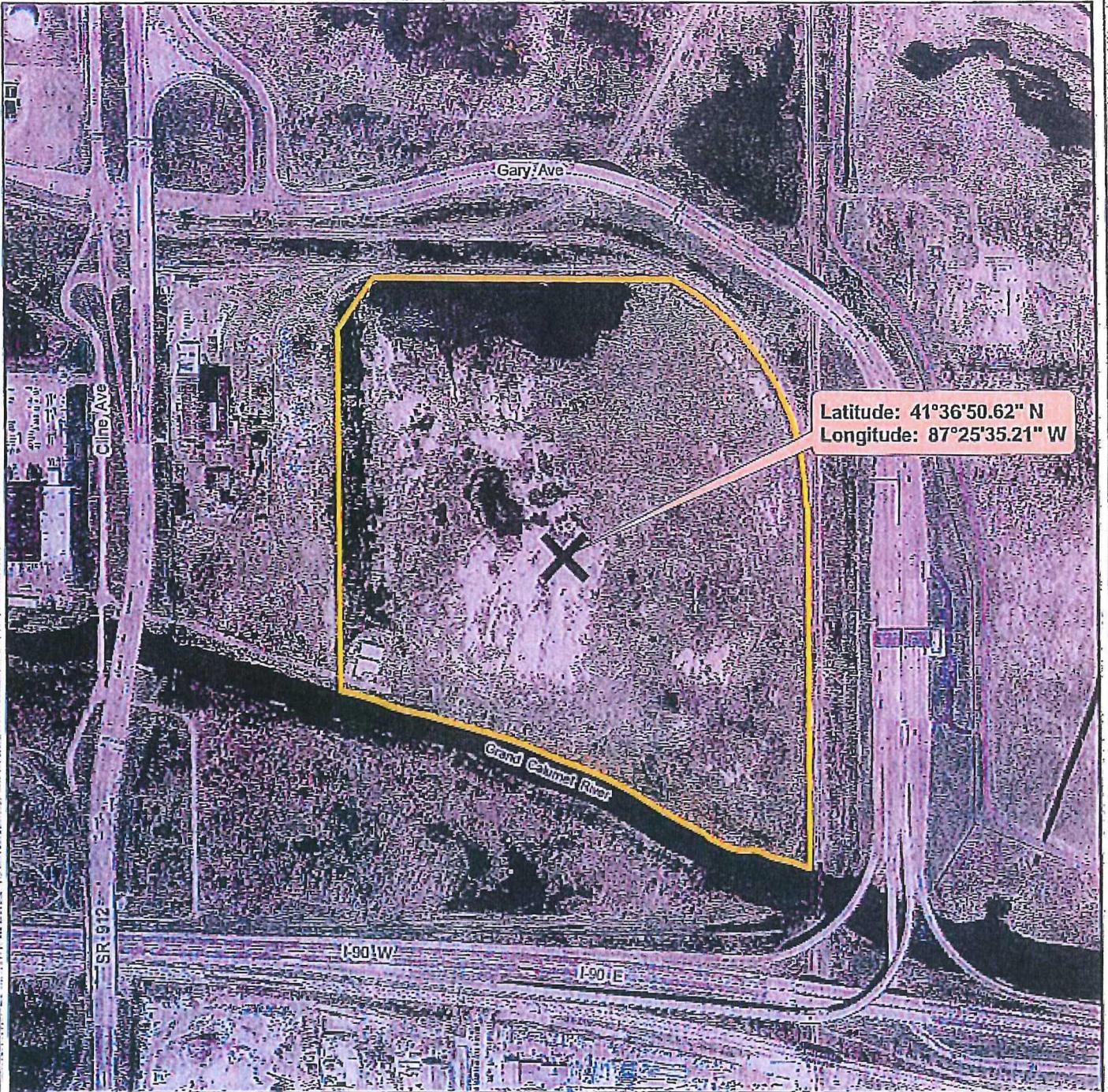
In May 2011 EPA proposed the GDL Site to the NPL. The Site was finalized on the NPL on September 16, 2011. The environmental threat of surface water migration pathway from the landfill into the wetland qualified GDL for inclusion on the NPL. The wetland is inhabited by numerous state endangered species such as the Marsh Wren.

Enclosure 2

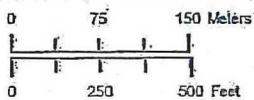
SITE MAP

Figure 1-1

# Site Location Map, Gary Development Landfill Gary, Lake County, Indiana (U.S. EPA ID: IND077005916)



Latitude: 41°36'50.62" N  
 Longitude: 87°25'35.21" W



**Sources:**

**Non Orthophotography Data**

- Obtained from the State of Indiana Geographic Information Office Library

- Approximate Site Boundary based on Lake County parcels.

Parcel ID: 45-03-35-301-003.000-004 15.777 acres

Parcel ID: 45-03-35-326-001.000-004 5.9 acres

Parcel ID: 45-03-35-326-002.000-004 40 acres

(Ref. 149, pp. 1-5)

**Orthophotography** - Obtained from IndianaMap Framework Data ([www.indianamap.org](http://www.indianamap.org))

Map Projection: UTM Zone 16 N Map Datum: NAD83



Approximate Center of Site



Approximate Site Boundary

This map is intended to serve as an aid in graphic representation only. This information is not warranted for accuracy or other purposes.

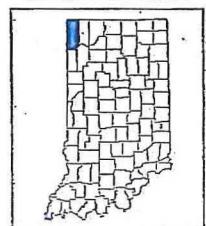
Mapped By: Mike Hill, Office of Land Quality  
Date: 2/18/2009



**Site Vicinity**



**Lake County, IN**



Enclosure 3

DESCRIPTION OF LEGAL AUTHORITY

The Federal Superfund law the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9601, *et seq.* (commonly referred to as CERCLA) gives EPA the authority to, among other things: 1) assess contaminated sites, 2) determine the threats to human health and the environment posed by each site; and 3) clean up those sites.

Under Section 104(e)(2) of CERCLA, 42 U.S.C. § 9604(e)(2), EPA has broad information gathering authority which allows EPA to require persons to furnish information or documents relating to:

- A. The identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at a vessel or facility, or transported to a vessel or facility;
- B. The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at/or from a vessel or facility; and
- C. The ability to pay the costs of the clean-up

Compliance with this Information Request is mandatory. Failure to respond fully and truthfully to each question within this Information Request and within the prescribed time frame can result in an enforcement action by EPA pursuant to Section 104(e)(5) of CERCLA. This Section also authorizes an enforcement action with similar penalties if the recipient of the Request does not respond and does not justify the failure to respond. Other statutory provisions (18 U.S.C. § 1001) authorize separate penalties if the responses contain false, fictitious or fraudulent statements. EPA has the authority to use the information requested in this Information Request in an administrative, civil or criminal action.

Enclosure 4

INSTRUCTIONS

1. Answer each of the questions in this Information Request separately.
2. Precede each answer with the number of the question to which it corresponds.
3. In answering each question, identify all persons and contributing sources of information.
4. Although the EPA seeks your cooperation in this investigation, CERCLA requires that you respond fully and truthfully to this Information Request. False, fictitious, or fraudulent statements or misrepresentations may subject you to civil or criminal penalties under federal law. Section 104 of CERCLA, 42 U.S.C. § 9604, authorizes the EPA to pursue penalties for failure to comply with that Section, or for failure to respond adequately to requests for submissions of required information.
5. You must supplement your response to EPA if, after submission of your response, additional information should later become known or available. Should you find at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, you must notify EPA as soon as possible.
6. For any document submitted in response to a question, indicate the number of the question to which it responds.
7. You must respond to each question based upon all information and documents in your possession or control, or in the possession or control of your current or former employees, agents, contractors, or attorneys. Information must be furnished regardless of whether or not it is based on your personal knowledge, and regardless of source.
8. Your response must be accompanied by the following statement, or one that is a substantial equivalent:

I certify under a penalty of law that this document and all Enclosures were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted.

Based upon my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

9. If any of the requested documents have been transferred to others or have otherwise been disposed of, identify each document, the person to whom it was transferred, describe the circumstances surrounding the transfer or disposition, and state the date of the transfer or

disposition.

10. All requested information must be provided notwithstanding its possible characterization as confidential information or trade secrets. If desired, you may assert a business confidentiality claim by means of the procedures described in Enclosure 7.

Enclosure 5

DEFINITIONS

As used in this letter, words in the singular also include the neutral, and words in the masculine gender also include the feminine, and vice versa. All terms not defined herein will have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 C.F.R. Part 300 or 40 C.F.R. Parts 260 through 280, in which case, the statutory or regulatory definitions will apply.

1. The terms "and" and "or" shall be construed either disjunctively or conjunctively, as necessary, to bring within the scope of this request any information that might otherwise be construed to be outside its scope.
2. The term "arrangement" means every separate contract or other agreement between two or more persons, whether written or oral.
3. The term "documents" includes any written, recorded, computer-generated, or visually or aurally reproduced material of any kind in any medium in your possession, custody, or control, or known by you to exist, including originals, all prior drafts, and all non-identical copies.
4. The term "hazardous substance" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
5. The term "identify" means, with respect to a natural person, to set forth: (a) the person's full name; (b) present or last known business and home addresses and telephone numbers; (c) present or last known employer (include full name and address) with title, position or business.

With respect to a corporation, partnership, or other business entity (including a sole proprietorship), the term "identify" means to provide its full name, address, and affiliation with the individual and/or company to whom/which this request is addressed.

6. The term "material" or "materials" shall mean any and all objects, goods, substances, or matter of any kind, including but not limited to wastes.
7. The term "person" shall include any individual, firm, unincorporated association, partnership, corporation, trust, or other entity.
8. "Plant" or "facility" shall mean the facility located in Hammond, Indiana, now owned by Cargill (through Cerestar USA, Inc.) and formerly owned by American Maize-Products Company.

9. The term "release" shall have the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
10. The term "Site" or GDL Site" shall mean the Gary Development Landfill Site located at 479 Cline Avenue, in the City of Gary, Lake County, Indiana.
11. The Terms "you" or "your" or "your company" or "the Company" or "Respondent" or "Cargill" refer not only to Cargill, Incorporated, as it is currently named and constituted, but also to all predecessors and successors in interest of Cargill, and all subsidiaries, divisions, affiliates, and branches of the Cargill (including American Maize-Products Company, Cerestar Group, Cerestar SA, Cerestar USA, Inc. and Eridania Beghin-Say, S.A., a unit of Montedison SpA) and their predecessors and successors.

Enclosure 6

QUESTIONS

1. Provide copies of all documents, records, and correspondence in your possession relating to the GDL Site.
2. For each and every question contained herein, if information or documents responsive to this Information Request are not in your possession, custody or control, then identify the persons from whom such information or documents may be obtained.
3. Identify all persons, including your employees, who may have knowledge, information or documents about the generation, use, purchase, treatment, storage, disposal or other handling of materials at or transportation of materials to the Site.
4. For any persons identified in response to the above request, describe that person's acts or failure to act that may have caused a release of hazardous substances at the Site.
5. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any question contained herein or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.
6. In regard to materials your company disposed of at the GDL Site, arranged for disposal of, or transported to the GDL Site, identify and describe, and provide all documents that refer or relate to:
  - a. The precise location, address, and name of the facility where generation, disposal, treatment, loading, unloading, management, and handling of the hazardous substances occurred. Provide the official name of the facility and a description of the facility where each hazardous substance involved in such transactions was actually generated, disposed, or treated.
  - b. If the location or facility of such disposal, treatment, unloading, management and handling is a different location or facility than what was originally intended, please provide all documents that relate and/or refer to why the substances came to be located at the different location or facility
  - c. All intermediate sites where the hazardous substances involved in each arrangement were transshipped, or where they were stored or held, any time prior to final treatment or disposal.
  - d. The nature, including the chemical content, characteristics, physical state (e.g., solid, liquid) and quantity (volume and weight) of all hazardous substances involved in each arrangement.
  - e. In general terms, the nature and quantity of the non-hazardous substances involved in each such arrangement.

- f. The condition of the transferred material containing hazardous substances when it was stored, disposed, treated or transported for disposal or treatment.
- g. The markings on and type, condition and number of containers in which the hazardous materials were contained when they were stored, disposed, treated, or transported for disposal or treatment.
- h. All tests, analyses, analytical results and manifests concerning each hazardous substance involved in each transaction. Please include information regarding who conducted the test and how the test was conducted (batch sampling, representative sampling, splits, composite, etc.)
- i. The final disposition of each of the hazardous substances involved in each arrangement.
- j. All persons, including you, who may have entered into an agreement or contract for the disposal, treatment or transportation of a hazardous substance at or to the GDL Site. Please provide the person's titles and departments/offices.
  - i. The names, address, and telephone numbers of persons or entities who received the hazardous substances from the persons described in 2(j) above.
  - ii. Any person with whom the persons described in 2(j) made such arrangements.
  - iii. The dates when each person describes in 2(j) made such arrangements and provide any documentation.
  - iv. The steps you or other persons, including persons indentified in 2(j) above took to reduce the spillage or leakage. Please identify any operational manuals or policies (e.g. a facility's spill control policy) which address the management of spills and leaks and provide any documentation.
  - v. The amount paid by you, or other persons referred to in 2(j) above in connection with each transaction for such arrangements, the method of payment, and the identity of the persons involved. Please provide any contacts, written agreements, or documentation reflecting the terms of the agreements.
  - vi. The amount of money received by you or other persons referred to in 2(j) above for the sale, transfer, or delivery of any material containing hazardous substances and provide any documentation. If the material was repaired, refurbished, or reconditioned, how much money was paid for this service?

- k. Who controlled and/or transported the hazardous substances prior to delivery to the GDL Site? Provide all agreements and/or documents showing the times when each party possessed the hazardous substances.
- l. Identify all persons, including you, who may have transported materials to the GDL Site. Such persons will be hereinafter be referred to as "Transporters"
- i. State the names, telephone numbers and present or last known addresses of all individuals who you have reason to believe may have knowledge, information or documents regarding any transportation of materials to the GDL Site, the disposal of materials at the GDL Site, or the identities of the companies whose material was disposed of at the GDL Site. For each individual identified, summarize the types of knowledge, information or documents you believe he or she may have.
  - ii. State whether there exists any agreement or contract (other than an insurance policy) which may indemnify the Company, present owners of shares in the Company or past owners of shares in the Company, for any liability that may result under CERCLA for any release of a hazardous substance from the GDL Site. If so, please provide a copy of the agreement or contract. Identify by name and job title the person who prepared the agreement or contract, and if the document is not readily available, state where it is stored, maintained and why it is no longer available.
  - iii. State whether an insurance policy has ever been in effect which may indemnify Cargill against any liability which Cargill may have under CERCLA for any release or threatened release of a hazardous substance that may have occurred at the GDL Site. If so, please provide a copy of the policy. Identify any policy that you cannot locate or obtain by the name of the carrier, years in effect, nature and extent of coverage, and any other information you have.
  - iv. Identify all persons and entities from whom Transporters accepted materials which were taken directly or indirectly to the GDL Site.
  - v. Identify the owners of the materials that were accepted for transportation by each Transporter.
  - vi. Identify the person who selected the GDL Site as the location to which each Transporter took the materials to the GDL Site.
  - vii. Describe the measures taken by the persons who gave the materials to the Transporters to determine what the Transporters would actually do with the materials they accepted.

- viii. For each material, describe any warnings given to you with respect to its handling.
- ix. Identify all locations to which the material was shipped, stored or held prior to their final treatment or disposal.
- x. The amount paid to each Transporter for accepting the materials for transportation, the method of payment and the identity of the person who paid each transporter.
- m. The owner(s) or possessor(s) (persons in possession) of the hazardous substances involved in each arrangement for disposal or treatment of the substances. If the ownership(s) changed, when did this change(s) occur? Please provide documents describing this transfer of ownership, including the date of transfer, persons involved in the transfer, reason for the transfer of ownership, and details of the arrangement(s) such as contracts, agreements, etc. If you did not own the hazardous substances when shipped, who did own it and how did you come to own the hazardous substances?
- n. Who selected the location where the hazardous substances were to be disposed or treated?
- o. How were the hazardous substances or materials containing hazardous substances planned to be used at the GDL Site?
- p. What was done to the hazardous substances once they were brought to the GDL Site, including any service, repair, recycling, treatment, or disposal.
- q. What activities were typically conducted at the Site or the specific facility where the hazardous substances were sent? What were the common business practices at the GDL Site? How and when did you obtain this information?
- r. How were the hazardous substances typically used, handled, or disposed of at the GDL Site?
- s. How long did you have a relationship with the owner(s) and/or operator(s) of the GDL Site?
- t. Did you have any influence over waste disposal activities at the GDL Site? If so, how?
- u. What percentage of your total hazardous substances went to the GDL Site?
- v. What steps did you take to dispose of or treat the hazardous substances? Please provide documents, agreements and/or contracts reflecting these steps.

- w. What involvement (if any) did you have in selecting the particular means and method of disposal of the hazardous substances.
  - x. At the time you transferred the hazardous substances, what did you intend to happen to the hazardous substances? Please provide any contracts, written agreements, and/or other documentation reflecting the intention of the parties. If you do not have such documents and/or materials, please so state.
  - y. With respect to all transactions involving hazardous substances, at the time of the transaction, specify the measures you took to determine the actual means of treatment, disposal or other uses of hazardous substances. Provide information you had about the treatment and disposal practices at the GDL Site. What assurances, if any, were you given by the owners/operators at the GDL Site regarding the proper handling and ultimate disposition of the materials you sent there?
  - z. What efforts, if any, did you take to investigate the nature of the operations conducted at the Site and the environmental compliance of the GDL Site prior to selling, transferring, delivering (e.g., for repair, consignment, or joint-venture), disposing of, or arranging for the treatment or disposal of any hazardous substances.
7. Provide names, addresses and telephone numbers of any individuals including former and current employees, who may be knowledgeable of Cargill's operations and hazardous substances handling, storage and disposal practices that resulted or may have resulted in disposal of hazardous substances at the GDL Site.
  8. State the date(s) on which Cargill's hazardous substances were sent, brought, or moved to the GDL Site and the names, addresses, and telephone numbers of the person(s) making arrangements for the drums to be sent, brought, or moved to the GDL Site.
  9. List all federal, state, and local permits and/or registrations issued to Cargill for the transport and/or disposal of materials at the GDL Site.
  10. Which shipments or arrangements were sent to the GDL Site under each permit? If what happened to the hazardous substances differed from what was specified in the permit, please state, to the best of your knowledge, the basis or reasons for such difference.
  11. Were all hazardous substances transported by licensed carriers to hazardous waste TSDFs permitted by the U.S. EPA?
  12. List all federal, state, and local permits and/or registrations and their respective permit numbers issued for the transport and/or disposal of wastes at the GDL Site.

13. For the period between 1970 and 1999, did Cargill have a permit or permits issued under RCRA for its facilities located in Illinois, Indiana, and/or Michigan? For the period between 1970 and 1999, did Cargill have a permit or permits under the hazardous substance laws of the States of Illinois, Indiana, and/or Michigan? For the period between 1970 and 1999, did Cargill have an EPA Identification Number, or an identification number supplied by the State Environmental Protection Agency for the States of Illinois, Indiana, and/or Michigan? Supply all such identification number(s).
14. For the period between 1970 and 1999, identify whether a Notification of Hazardous Waste Activity was ever filed by you with the EPA or the corresponding agency or official of the States of Illinois, Indiana, and/or Michigan, the date of such filing(s), the wastes described in such notice(s), the quantity thereof described in such notice(s), and the identification number assigned to such facilit(y)(ies) by EPA or the state agency or official.
15. Provide the correct name and addresses of the plants and other buildings or structures where Cargill carried out operations in Illinois, Indiana, and Michigan (excluding locations where ONLY clerical/office work was performed) during the period between 1970 and 1999.
16. Provide a brief description of the nature of Cargill's operations at each location in Illinois, Indiana, and Michigan indentified in response to Request Item 15. If the nature or size of Cargill's operations changed over time, describe those changes and the dates they occurred.
17. List the types of raw materials used in Cargill's operations at each location in Illinois, Indiana, and Michigan indentified in response to Request Item 15, the products manufactured, recycled, recovered, treated, or otherwise processed in these operations.
18. Provide copies of Material Safety Data Sheets (MSDS) for materials used in the operations at each location in Illinois, Indiana, and Michigan indentified in response to Request Item 15.
19. For each type of waste (including by-products) from Cargill's operations at each location in Illinois, Indiana, and Michigan indentified in response to Request Item 15, including but not limited to all liquids, sludge, and solids, provide the following information:
  - a. its physical state;
  - b. its nature and chemical composition;
  - c. its color;
  - d. its odor;
  - e. the approximate monthly and annual volumes of each type of waste (using such

measurements as gallons, cubic yards, pounds, etc.); and

- f. the dates (beginning & ending) during which each type of waste was produced by Respondent's operations.
20. Provide a schematic diagram that indicates which part of Cargill's operations at each location in Illinois, Indiana, and Michigan identified in response to Request Item 15 generated each type of waste including, but not limited to, wastes generated by cleaning and maintenance of equipment and machinery and wastes resulting from spills of liquid materials.
21. Describe how each type of waste was collected and stored at Cargill's operation at each location in Illinois, Indiana, and Michigan identified in response to Request Item 15 prior to disposal/recycling/sale/transport, including:
  - a. the type of container in which each type of waste was placed/stored; and
  - b. where each type of waste was collected/stored.
22. Identify Cargill's policy with respect to document retention.
23. Provide all documents related to the acquisition of American Maize-Products Company by Eridania Beghin-Say, S.A., a unit of Montedison SpA.
24. Provide all documents related to the acquisition of American Maize-Products Company by Cerestar Group.
25. Provide all documents related to the acquisition of American Maize-Products Company by Cerestar SA.
26. Provide all documents related to the acquisition of American Maize-Products Company by Cerestar USA, Inc.
27. Provide all documents related to the acquisition of Cerestar Group by Cargill.
28. Provide all documents related to the acquisition of Cerestar SA by Cargill.
29. Provide all documents related to the acquisition of Cerestar USA, Inc., by Cargill.
30. Is Eridania Beghin-Say, S.A., a unit of Montedison SpA the successor to all liabilities, including those under the Comprehensive Environmental Response, Compensation and Liability Act, as amended by the Superfund Amendments and Reauthorization Act, of American Maize-Products Company?
31. If your answer to number thirty (30) above is "no", respond fully to the following questions:

- a. Describe in detail Eridania Beghin-Say, S.A., a unit of Montedison SpA's past and current relationship with American Maize-Products Company and the facility.
  - b. State the date on which Eridania Beghin-Say, S.A., a unit of Montedison SpA, acquired ownership or an interest in American Maize-Products Company and the facility. State the prior owners, if any, of American Maize-Products Company and the facility. Submit a copy of all documents relating to Eridania Beghin-Say, S.A., a unit of Montedison SpA's, purchase of American Maize-Products Company and the facility.
  - c. Did the company sell or otherwise divest itself of any stock, assets, or other interest in American Maize-Products Company or any other company which operated the facility?
  - d. If the answer to (a) is "yes", fully describe the nature of the sale and/or transaction. State if the transaction consisted of a merger, consolidation, sale or transfer of assets, and submit all documents relating to such transaction, including all documents pertaining to any agreements, express or implied, for the purchasing corporation to assume the liabilities of the selling corporation.
  - e. Did Eridania Beghin-Say, S.A., a unit of Montedison SpA, retain the liabilities of the American Maize-Products Company for events prior to the sale?
32. Is Cerestar Group the successor to all liabilities, including those under the Comprehensive Environmental Response, Compensation and Liability Act, as amended by the Superfund Amendments and Reauthorization Act, of American Maize-Products Company?
33. If your answer to number thirty-two (32) above is "no", respond fully to the following questions:
- a. Describe in detail Cerestar Group's past and current relationship with American Maize-Products Company and the facility.
  - b. State the date on which Cerestar Group acquired ownership or an interest in American Maize-Products Company and the facility. State the prior owners, if any, of American Maize-Products Company and the facility. Submit a copy of all documents relating to Cerestar Group's purchase of American Maize-Products Company and the facility.
  - c. Did the company sell or otherwise divest itself of any stock, assets, or other interest in American Maize-Products Company or any other company which operated the facility?

- d. If the answer to (a) is "yes", fully describe the nature of the sale and/or transaction. State if the transaction consisted of a merger, consolidation, sale or transfer of assets, and submit all documents relating to such transaction, including all documents pertaining to any agreements, express or implied, for the purchasing corporation to assume the liabilities of the selling corporation.
  - e. Did Cerestar Group retain the liabilities of the American Maize-Products Company for events prior to the sale?
34. Is Cerestar SA the successor to all liabilities, including those under the Comprehensive Environmental Response, Compensation and Liability Act, as amended by the Superfund Amendments and Reauthorization Act, of American Maize-Products Company?
35. If your answer to number thirty-four (34) above is "no", respond fully to the following questions:
- a. Describe in detail Cerestar SA's past and current relationship with American Maize-Products Company and the facility.
  - b. State the date on which Cerestar SA acquired ownership or an interest in American Maize-Products Company and the facility. State the prior owners, if any, of American Maize-Products Company and the facility. Submit a copy of all documents relating to Cerestar SA's purchase of American Maize-Products Company and the facility.
  - c. Did the company sell or otherwise divest itself of any stock, assets, or other interest in American Maize-Products Company or any other company which operated the facility?
  - d. If the answer to (a) is "yes", fully describe the nature of the sale and/or transaction. State if the transaction consisted of a merger, consolidation, sale or transfer of assets, and submit all documents relating to such transaction, including all documents pertaining to any agreements, express or implied, for the purchasing corporation to assume the liabilities of the selling corporation.
  - e. Did Cerestar SA retain the liabilities of the American Maize-Products Company for events prior to the sale?
36. Is Cerestar USA, Inc. the successor to all liabilities, including those under the Comprehensive Environmental Response, Compensation and Liability Act, as amended by the Superfund Amendments and Reauthorization Act, of American Maize-Products Company?
37. If your answer to number thirty-six (36) above is "no", respond fully to the following questions:

- a. Describe in detail Cerestar USA, Inc.'s past and current relationship with American Maize-Products Company and the facility
  - b. State the date on which Cerestar USA, Inc., acquired ownership or an interest in American Maize-Products Company and the facility. State the prior owners, if any, of American Maize-Products Company and the facility. Submit a copy of all documents relating to Cerestar USA, Inc.'s purchase of American Maize-Products Company and the facility.
  - c. Did the company sell or otherwise divest itself of any stock, assets, or other interest in American Maize-Products Company or any other company which operated the facility?
  - d. If the answer to (a) is "yes", fully describe the nature of the sale and/or transaction. State if the transaction consisted of a merger, consolidation, sale or transfer of assets, and submit all documents relating to such transaction, including all documents pertaining to any agreements, express or implied, for the purchasing corporation to assume the liabilities of the selling corporation.
  - e. Did Cerestar USA, Inc., retain the liabilities of the American Maize-Products Company for events prior to the sale?
38. Is Cargill the successor to all liabilities, including those under the Comprehensive Environmental Response, Compensation and Liability Act, as amended by the Superfund Amendments and Reauthorization Act, of Cerestar Group?
39. If your answer to number thirty-eight (38) above is "no", respond fully to the following questions:
- a. Describe in detail Cargill's past and current relationship with Cerestar Group and the facility.
  - b. State the date on which Cargill acquired ownership or an interest in Cerestar Group and the facility. State the prior owners, if any, of Cerestar Group and the facility. Submit a copy of all documents relating to Cargill's purchase of Cerestar Group and the facility.
  - c. Did the company sell or otherwise divest itself of any stock, assets, or other interest in Cerestar Group or any other company which operated the facility?
  - d. If the answer to (a) is "yes", fully describe the nature of the sale and/or transaction. State if the transaction consisted of a merger, consolidation, sale or transfer of assets, and submit all documents relating to such transaction, including all documents pertaining to any agreements, express or implied, for the purchasing corporation to assume the liabilities of the selling corporation.
  - e. Did Cargill retain the liabilities of Cerestar Group for events prior to the sale?

40. Is Cargill the successor to all liabilities, including those under the Comprehensive Environmental Response, Compensation and Liability Act, as amended by the Superfund Amendments and Reauthorization Act, of Cerestar SA?
41. If your answer to number forty (40) above is "no", respond fully to the following questions:
- a. Describe in detail Cargill's past and current relationship with Cerestar SA and the facility.
  - b. State the date on which Cargill acquired ownership or an interest in Cerestar SA and the facility. State the prior owners, if any, of Cerestar SA and the facility. Submit a copy of all documents relating to Cargill's purchase of Cerestar SA and the facility.
  - c. Did the company sell or otherwise divest itself of any stock, assets, or other interest in Cerestar SA or any other company which operated the facility?
  - d. If the answer to (a) is "yes", fully describe the nature of the sale and/or transaction. State if the transaction consisted of a merger, consolidation, sale or transfer of assets, and submit all documents relating to such transaction, including all documents pertaining to any agreements, express or implied, for the purchasing corporation to assume the liabilities of the selling corporation.
  - e. Did Cargill retain the liabilities of Cerestar SA for events prior to the sale?
42. Is Cargill the successor to all liabilities, including those under the Comprehensive Environmental Response, Compensation and Liability Act, as amended by the Superfund Amendments and Reauthorization Act, of Cerestar USA?
43. If your answer to number forty-two (42) above is "no", respond fully to the following questions:
- a. Describe in detail Cargill's past and current relationship with Cerestar USA and the facility.
  - b. State the date on which Cargill acquired ownership or an interest in Cerestar USA and the facility. State the prior owners, if any, of Cerestar USA and the facility. Submit a copy of all documents relating to Cargill's purchase of Cerestar USA and the facility.
  - c. Did the company sell or otherwise divest itself of any stock, assets, or other interest in Cerestar USA or any other company which the facility?

- d. If the answer to (a) is "yes", fully describe the nature of the sale and/or transaction. State if the transaction consisted of a merger, consolidation, sale or transfer of assets, and submit all documents relating to such transaction, including all documents pertaining to any agreements, express or implied, for the purchasing corporation to assume the liabilities of the selling corporation.
  - e. Did Cargill retain the liabilities of Cerestar USA for events prior to the sale?
44. Is Cargill the successor to all liabilities, including those under the Comprehensive Environmental Response, Compensation and Liability Act, as amended by the Superfund Amendments and Reauthorization Act, of American Maize-Products Company?
45. If your answer to number forty-four (44) above is "no", respond fully to the following questions:
- a. Describe in detail Cargill's past and current relationship with American Maize-Products Company and the facility.
  - b. State the date on which Cargill acquired ownership or an interest in American Maize-Products Company and the facility. State the prior owners, if any, of American Maize-Products Company and the facility. Submit a copy of all documents relating to Cargill's purchase of American Maize-Products Company and the facility.
  - c. Did the company sell or otherwise divest itself of any stock, assets, or other interest in American Maize-Products Company or any other company which the facility?
  - d. If the answer to (a) is "yes", fully describe the nature of the sale and/or transaction. State if the transaction consisted of a merger, consolidation, sale or transfer of assets, and submit all documents relating to such transaction, including all documents pertaining to any agreements, express or implied, for the purchasing corporation to assume the liabilities of the selling corporation.
  - e. Did Cargill retain the liabilities of the American Maize-Products Company for events prior to the sale?
46. Describe the relationship between Cargill and the following:
- a. American Maize-Products Company
  - b. Eridania Beghin-Say, S.A., a unit of Montedison SpA.
  - c. Cerestar Group.

- d. Cerestar SA.
  - e. Cerestar USA, Inc.
47. If American Maize-Products Company has had any changes in company name, ownership or structure or has obtained an interest in or dissolved itself of an interest in any other corporation, subsidiary, division or other entity, identify each such transaction. For each transaction state if it consisted of a merger, consolidation, sale or transfer of assets and submit all documents relating to such transactions including all documents pertaining to any agreements, express or implied, for the purchasing corporation to assume the liabilities of American Maize-Products Company.
  48. Identify all changes in ownership relating to the facility from 1970 to the present, including the date of the ownership change. If any owner was/is a corporation, identify if the corporation was a subsidiary or division of another corporation. In your identification of any corporation, it provide the full corporate name, the state of incorporation, and all fictitious names used/held by that corporation.
  49. For each owner of the facility that is a subsidiary of another corporation, provide a chart that details the corporate structure from the direct owner of the facility through all intermediary entities to the ultimate corporate parent. For purposes of this information request, the term "ultimate corporate parent" is to be the corporate entity that while owning or controlling the majority of the shares of common stock in a subsidiary corporation is not primarily owned/ controlled by another corporation.
  50. For each change in ownership of the facility, describe the type of change, i.e. asset purchase, corporate merger or name change, as well as the date of the change in ownership.
  51. For all asset purchases identified, please provide a copy of the asset purchase agreement.
  52. For all corporate mergers identified, please provide a copy of the merger document.
  53. Provide a copy of the agreement of sale as well as all attachments and amendments to this agreement of sale including related agreements such as exclusive service contracts, non-compete agreements, or consulting agreements, that document each asset sold as well as the consideration paid for each and every asset.
  54. List the complete legal names of the corporations created, renamed, merged, or dissolved through such transactions and identify which such action applies to which corporation.
  55. Identify all consideration paid for the assets. In identifying the consideration, provide the amount paid in cash, the amount paid in promissory notes or other form of debenture payable to the entity and/or officers, directors and/or shareholders of the entity selling the assets, the value associated with the assumption of liabilities (if

assumption of liabilities are involved, you are also to identify the types of liabilities assumed), the value associated with the performance of services, the value associated with shares of stock exchanged as part of the sale, and the type and value associated with any other form of consideration not identified above.

56. If any of the documents responsive to this information request are no longer available, indicate the reason why they are no longer available. If the records were destroyed, provide us with the following:

- a. Your document retention policy.
- b. A description of how the records were destroyed (burned, archived, trashed, etc.) and the approximate date of destruction.
- c. A description of the type of information that would have been contained in the documents.
- d. The name, job title and most current address known by you of the person(s) who would have produced these documents; the person(s) who would have been responsible for the retention of these documents; and the person(s) who would have been responsible for the destruction of these documents.

Enclosure 7

CONFIDENTIAL BUSINESS INFORMATION

You may consider some of the information confidential that EPA is requesting. You cannot withhold information or records upon that basis. The regulations at 40 C.F.R. Part 2, Section 200, *et seq.*, require that EPA affords you the opportunity to substantiate your claim of confidentiality before the Agency makes a final determination on the confidentiality of the information.

You may assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 C.F.R. § 2.203(b). Information covered by such a claim will be disclosed by EPA only to the extent and only by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. (See 41 *Federal Register* 36902, *et seq.* (September 1, 1976); 43 *Federal Register* 4000, *et seq.* (December 18, 1985).) If no such claim accompanies the information when EPA receives it, the information may be made available to the public by the Agency without further notice to you. Please read carefully these cited regulations, together with the standards set forth in Section 104(e)(7) of Comprehensive Environmental Response Compensation Liability Act (CERCA), because, as stated in Section 104(e)(7)(ii), certain categories of information are not properly the subject of a claim of confidential business information.

If you wish EPA to treat the information or record as "confidential," you must advise EPA of that fact by following the procedures described below, including the requirement for supporting your claim of confidentiality. To assert a claim of confidentiality, you must specify which portions of the information or documents you consider confidential. Please identify the information or document that you consider confidential by page, paragraph, and sentence. You must make a separate assertion of confidentiality for each response and each document that you consider confidential. Submit the portion of the response that you consider confidential in a separate, sealed envelope. Mark the envelope "confidential" and identify the number of the question to which it is the response.

For each assertion of confidentiality, identify:

1. The period of time for which you request that the Agency considers the information confidential, e.g., until a specific date or until the occurrence of a specific event;
2. The measures that you have taken to guard against disclosure of the information of others;
3. The extent to which the information has already been disclosed to others and precautions that you have taken to ensure that no further disclosure occurs;
4. Whether EPA or other federal agency has the information or

document. If an agency has made such determination, enclose a copy of that determination;

5. Whether disclosure of the information or document would be likely to result in substantial harmful effects to your competitive position. If you believe such harm would result from any disclosure, explain the nature of the harmful effects, why the harm should be viewed as substantial, and the causal relationship between disclosure and the harmful effect. Include a description of how a competitor would use the information;
6. Whether you assert that the information is voluntarily submitted as defined by 40 C.F.R. § 2.201(I). If you make this assertion, explain how the disclosure would tend to lessen the ability of EPA to obtain similar information in the future; and
7. Any other information that you deem relevant to a determination of confidentiality.

Please note that pursuant to 40 C.F.R § 2.208(e), the burden of substantiating confidentiality rest with you. EPA will give little or no weight to conclusory allegations. If you believe that facts and documents necessary to substantiate confidentiality are themselves confidential, please identify them as such so that EPA maintain their confidentiality pursuant to 40 C.F.R § 2.205(c). If you do not identify this information and documents as "confidential" your comments will be available to the public without further notice to you.